

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \*

STEVEN BRADLEY HODGES,

Plaintiff,

v.

BEISNER, *et al.*,

Defendants.

Case No. 3:23-cv-00242-MMD-CLB

ORDER

On September 26, 2023, Interested Party Nevada Department of Corrections filed a suggestion of death on the record in two of Plaintiff Steven Bradley Hodges's other prisoner civil rights cases, informing the Court that Plaintiff passed away on September 21, 2023. *See Hodges v. Dyer et al.*, Case No. 3:23-cv-00050-MMD-CSD, ECF No. 9 (D. Nev. Filed Sept. 26, 2023); *Hodges v. Hartman et al.*, Case No. 3:23-cv-00113-MMD-CLB, ECF No. 20 (D. Nev. Filed Sept. 26, 2023).

Under Federal Rule of Civil Procedure 25(a)(1), "[i]f a party dies and the claim is not extinguished, the court may order substitution of the proper party. A motion for substitution may be made by any party or by the decedent's successor or representative. If the motion is not made within 90 days after service of a statement noting the death, the action by or against the decedent must be dismissed." Fed. R. Civ. P. 25(a)(1).

On September 27, 2023, under Rule 25(a)(1), the Court directed any party or the decedent's successor or representative to file a motion for substitution within 90 days and warned that failure to do so would result in dismissal of this case. (ECF No. 6.) To date, no motion to substitute has been filed, and the 90-day period has passed. The Court therefore dismisses this case.

It is therefore ordered that this action is dismissed under Federal Rule of Civil Procedure 25(a)(1).

1 DATED THIS 5<sup>th</sup> Day of January 2024.

2  
3 

4 MIRANDA M. DU  
5 CHIEF UNITED STATES DISTRICT JUDGE  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28